

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DELAWARE MARKETING	)	
PARTNERS, LLC, a Delaware	)	
limited liability company,	)	
Plaintiff	)	C.A. No.: 04 - 263 Erie
	)	
v.	)	Judge McLaughlin
	)	Magistrate Judge Baxter
CREDITRON FINANCIAL SERVICES,	)	
INC., a Pennsylvania corporation, and	)	
TELATRON MARKETING GROUP,	)	
INC., a Pennsylvania corporation,	)	
Defendants	)	TRIAL BY JURY DEMANDED

**DEFENDANTS' RESPONSE TO MOTION TO COMPEL**

AND NOW, the Defendants, by and through their attorneys, ELDERKIN,  
MARTIN, KELLY & MESSINA, file the following Response to Motion to Compel, respectfully  
representing as follows:

1. Admitted.
2. Admitted.
3. Admitted.

4. Admitted in part. As of the date of the filing of the Plaintiff's motion, responses had not been provided. However, on or about November 23, 2005, the Defendant produced a large volume of documents, approximately four inches in height, which were responsive to the Plaintiff's requests for documents and information.

The Defendants have had difficulty in responding to the Plaintiff's requests due to the very broad and over-reaching nature of the requests. To provide full and complete responses, Defendants are required to search through volumes and volumes of both paper and electronic files. Additionally, the two individuals with the most knowledge and background in this matter, Mr. Alfred Covatto and Ms. Trish DeSanti-Boehm, have in the last months suffered from substantial and serious health problems which have interfered with these search efforts. Attached hereto is an affidavit of Mr. Alfred Covatto, an executive officer of Creditron Financial Corporation, which confirms the serious nature and extent of his health difficulties and the health difficulties of Ms. DeSanti-Boehm. Although this affidavit is not offered as an excuse, it is submitted to provide this Honorable Court with a full background concerning the difficulties the Defendants have encountered in responding to the Plaintiff's discovery requests.

Moreover, Defendants' problems are not unique to their circumstances. The inherent difficulties in locating, identifying and producing documents relating to this matter is exemplified by the fact that the Plaintiff required five months to respond to Defendants' discovery requests. (Requests submitted on January 14, 2005 and responses received June 10 and June 15,

2005). The Plaintiff's inability to timely respond was the subject of a motion to compel filed by the Defendants on or about May 5, 2005.

5. It is denied that all of the information requested is relevant, admissible or necessary to the preparation of the Plaintiff's case. However, Defendants are working diligently to respond fully.

WHEREFORE, Defendants respectfully request this Honorable Court deny the Plaintiff's motion, as proposed, but to enter an order granting the Defendants an additional thirty days within which to finalize their responses to the remaining outstanding discovery requests.

Respectfully submitted,

ELDERKIN, MARTIN, KELLY & MESSINA

By /s/ Craig A. Markham  
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